

WHAT IS CLAIMED IS:

- 1 1. A method for providing financial protection to providers of seller
2 financing for buying and selling businesses, comprising the steps of:
3 utilizing existing credit scoring methodologies to evaluate risk in seller
4 financing;
5 charging a fee for providing the seller financing protection coverage;
6 executing legal and financial transactions pertaining to providing the seller
7 financing; and
8 managing risk of the seller financing.
- 1 2. The method according to claim 1, wherein intangible assets
2 comprise 25%, 30%, 35%, 40%, 45%, 50%, 55%, 60%, 65%, 70%, 75%, 80%, 85%,
3 90%, 95%, or 100% of a seller-financed loan.
- 1 3. The method according to claim 1, further comprising steps of:
2 determining the portion of a seller-financed loan that corresponds to
3 intangible assets; and
4 insuring that portion.
- 1 4. The method according to claim 1, wherein the seller financing is
2 for that portion of a business that is substantially comprised of intangible assets.
- 1 5. The method according to claim 1, wherein existing credit scoring
2 methodologies used by the small business administration (SBA), commercial lenders and
3 discounted note brokers are utilized to evaluate the seller financing.
- 1 6. The method according to claim 5, wherein said fee for seller
2 financing is based on the existing credit scoring methodologies.
- 1 7. The method according to claim 5, wherein existing credit scoring
2 methodologies utilize loan to value ratio analysis, proof of profitability, buyer experience,
3 financial analysis of tax returns and profit and loss statements, evaluation of credit rating
4 (FICA score of 625+), loan position, personal buyer guarantee and turnaround potential.
- 1 8. The method according to claim 1, wherein said legal and financial
2 transactions involve a UCC-1 financing statement and a promissory note.

1 9. The method according to claim 8, wherein said UCC-1 financing
2 statement and said promissory note are assigned from a business seller in a seller
3 financing transaction to an entity providing financial protection of seller financing.

1 10. The method according to claim 1, wherein additional steps include
2 monitoring, modifying and diversifying a cumulative portfolio of the seller financing
3 transactions.

1 11. The method according to claim 1, wherein risk sharing entities
2 such as insurance companies, reinsurance companies and finance companies are used to
3 manage the risk of the seller financing portfolio notes.

1 12. The method according to claim 1, wherein managing the risk of the
2 seller financing includes recovering defaulted seller financing notes.

1 13. The method according to claim 1, wherein demand for seller
2 financing for buying and selling businesses comes from business brokerages, closing
3 agents and small business attorneys.

1 14. The method according to claim 1, wherein default options include
2 straight liquidation or sale of a business, pursuing secondary buyer guarantees, operating
3 and turning around a business with new management and executing a work-out agreement
4 with the existing management.

1 15. A method for reducing risk to a seller when financing a sale to a
2 buyer, the method comprising steps of:
3 determining factors relating to a risk of default by the buyer; and
4 insuring the risk of default.

1 16. The method for reducing risk to the seller when financing the sale
2 to the buyer as recited in claim 15, wherein an insurer pays the seller when the buyer
3 defaults.

1 17. The method for reducing risk to the seller when financing the sale
2 to the buyer as recited in claim 15, further comprising a step of determining if the buyer
3 has defaulted on payments for the sale.

1 18. The method for reducing risk to the seller when financing the sale
2 to the buyer as recited in claim 15, wherein the determining step comprises a step of
3 determining how much of the sale corresponds to intangible assets.

1 19. A method for reducing risk to a seller when financing a sale to a
2 buyer, the method comprising steps of:
3 transferring a business to a buyer;
4 financing at least a portion of the transfer by the seller; and
5 obtaining insurance from an entity, other than the buyer or seller, that
6 payments made from the buyer to the seller for the portion are made.

1 20. The method for reducing risk to the seller when financing the sale
2 to the buyer as recited in claim 19, wherein the entity determines the risk of default by the
3 buyer.

1 21. The method for reducing risk to the seller when financing the sale
2 to the buyer as recited in claim 19, wherein the entity determines which portion of the
3 business corresponds to tangible assets.